IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2869 OF 2002

IN

INCOME TAX APPEAL (LOD) NO.838 OF 2005

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.Likproof (I) Pvt. Ltd. ..Respondent.

Dr.P.Daniel i/b. K.B. Rao for appellant.

CORAM : V.C. DAGA AND J.P.DEVADHAR, JJ.

DATED : 16TH AUGUST, 2005.

P.C. :-

Dr.Daniel appearing for the appellant makes a statement that he has not been given papers pertaining to the Notice of Motion No.2869 of 2002. He is, therefore, unable to argue the same. He further makes a statement that he does not know whether any steps to serve the respondent have been taken by the department. Considering the submissions made, scant respect is shown for the client for whom he is appearing and the replies given to the Court

queries and considering no prayer for adjournment from anybody, we have no option but to reject the Notice of Motion for want of prosecution.

2. Needless to mention that number of such matters are on our board. In number of matters, the statements are being made that none of the panel counsel has been briefed so as to enable them to appear in the matter. In the circumstances, we are left with no other alternative but to reluctantly dismiss the matters in default. This is one of such matters.

3. We can do no better then directing the office to remit a copy of this order to the Chairman, C.B.D.T., New Delhi for information.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)